



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107

PP2 Inquiry I
116186

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

AUG 02 1988

In Reply Refer To: 3HW12

Mr. Gene H. Gockley
Manager-Environmental Management
Pennsylvania Power and Light Company
Two North Ninth Street
Allentown, PA 18101

Re: Novak Sanitary Landfill
Lehigh County, Pennsylvania
(Location Map in Enclosure A)

Dear Mr. Gockley:

The United States Environmental Protection Agency ("EPA") has expended public funds to investigate a release or a threat of a release of hazardous substances at the Novak Sanitary Landfill. This letter notifies you that EPA may spend additional public funds on actions to further investigate and control such releases. Unless EPA determines that a responsible party will properly perform such actions, EPA intends to do so pursuant to Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. 9601 as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Public Law 99-449, 100 Stat. 1613 and the National Contingency Plan (NCP), 40 C.F.R. § 300.68. Specifically, the EPA intends to conduct or oversee a Remedial Investigation and Feasibility Study at the above referenced site ("Site").

Responsible parties under CERCLA include current owners and operators of the Site or facility, past owners and operators at the time of disposal of hazardous substances, as well as persons who generated the hazardous substances or were involved in the transport, treatment, or disposal of hazardous substances at the Site. EPA has information indicating that your company may be a generator of hazardous substances that were disposed at the Site.

Under Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), and Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), responsible parties may be obligated to implement any needed relief actions determined necessary by EPA and may also

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be liable for all costs incurred by the government in responding to any release or threatened release at the Site. Such costs can include, but are not limited to, expenditures for investigations, planning, cleanup of the Site and enforcement actions. By this letter EPA notifies you of your company's potential liability with regard to this matter and encourages your company to voluntarily undertake remedial activities which will be overseen by EPA.

EPA is planning to conduct a Remedial Investigation and Feasibility Study ("RI/FS") of the Novak Sanitary Landfill Site unless EPA determines a responsible party will properly do so. The Remedial Investigation will define the nature and extent of soil, ground water, surface water, and air contamination at the Site and will determine the hydrogeological characteristics of the area. The Feasibility Study evaluates the available remedial action alternatives for the cleanup of the Site. The RI/FS will be conducted in accordance with the National Contingency Plan, 40 C.F.R. Part 300.68 (a)-(j) 47 Fed. Reg. 31180 (July 16, 1982), revised at 48 Fed. Reg. 40658 (September 8, 1983), further revised at 50 Fed. Reg. 47912 (November 20, 1985). Enclosed are copies of the Remedial Investigation and Feasibility Study guidance documents published by EPA in June, 1985 (Enclosure B).

EPA would like to encourage good faith negotiations between your company and the Agency and among your company and other potentially responsible parties identified by EPA with respect to undertaking remedial actions at the Site. Enclosed you will find a list of the names and addresses of the potentially responsible parties for the contamination at the Site identified to date. EPA is providing this information in order that your company may schedule meaningful discussions with other potentially responsible parties and quickly organize yourselves into a single representative body to facilitate negotiations with EPA should your company be interested in implementing such remedial actions.

If your company decides to participate in or conduct the RI/FS for the Site, your company must enter into a Consent Order with EPA within sixty (60) calendar days after receipt of this letter. Enclosed is a copy of a model Consent Order for a Remedial Investigation/Feasibility Study for your review and information (Enclosure C).

Within fifteen (15) calendar days from the receipt of this letter, your company should notify the Region III office of EPA, in writing, if your company is willing, unwilling or unable to perform, finance or participate in the remedial studies described above. Your letter should include a Statement of Work ("SOW") for those remedial measures that your company intends to undertake at the Site and should indicate the appropriate name, address, and telephone number for further contact with your company and/or legal representatives. If your company does not respond within fifteen (15) calendar days from the receipt of this letter or if the SOW is not adequate, we will assume that your company declines to undertake voluntary action and EPA will proceed to conduct the RI/FS and any other necessary corrective action needed at the Site. Address your correspondence to:

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Michael Towle, Compliance Officer
PA CERCLA Remedial Enforcement Section (3HW12)
U.S. Environmental Protection Agency
841 Chestnut Street, 6th Floor
Philadelphia, PA. 19107

You should note that undertaking the RI/FS may only be part of the overall action needed to secure cleanup of the Site. You may be asked in the future to undertake, or may be liable for the cost of any additional corrective actions necessary at the Site.

The factual and legal discussions contained in this letter are intended solely for notification purposes. They are not intended to be and can not be relied upon as a final Agency position on any matter set forth herein.

If you need any further assistance or have any questions, please do not hesitate to call Mr. Towle at (215) 597-3166 or Francisco Barba at (215) 597-8309.

Sincerely,


Stephen R. Wasserman, Director
Hazardous Waste Management Division

Enclosures: A - Location Map
B - RI/FS Guidance
C - Model Consent Order

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Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult the postmaster for fees and check box(es) for additional service(s) requested.

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3. Article Addressed to:
Mr. Gene H. Gockley
Manager - Environmental Management
Pennsylvania Power & Light Company
Two North Ninth Street
Allentown, PA 18101

4. Article Number
P334 390 193

Type of Service:
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5. Signature PA POWER & LIGHT CO.

6. Signature Gene H. Gockley

7. Date of Delivery AUG 08 1988

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Mar. 1987 * U.S.G.P.O. 1987-178-286

DOMESTIC RETURN RECEIPT

PS Form 3800, Feb. 1982 * U.S.G.P.O. 1984-440-014

Sent to Mr. Gene H. Gockley
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Allentown, PA 18101

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